

Message Text

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ORIGIN OPIC-06

INFO OCT-01 ARA-06 ISO-00 EB-07 COME-00 /020 R

DRAFTED BY RSTERN ;OPIC/GC

APPROVED BY EB/IFD/OIA;RJSMITH

ARA/EP/P - ASCFULLER

EB/IFD/OIA:DHSTEBBING

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R 122022Z AUG 76

FM SECSTATE WASHDC

TO AMEMBASSY LIMA

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E.O. 11652: N/A

TAGS: EINV

SUBJECT: CELANESE CLAIM

1. ON JULY 27, 1976 OPIC RECEIVED WRITTEN NOTICE OF A
CLAIM BY THE CELANESE CORPORATION OF NEW YORK (THE INVESTOR)

FOR INCONVERTIBILITY COVERAGE UNDER ITS CONTRACT NO. 5669.

CLAIM INVOLVES 20,618,478.86 SOLES, STATED TO HAVE BEEN
RECEIVED AS DIVIDENDS ON COMPANY'S 35.6 PERCENT INTEREST
IN RAYON Y CELANESE PERUANA, S.A. (THE FOREIGN ENTERPRISE)
PAID APRIL 21,1975 AND DECEMBER 22,1975. INVESTOR STATES
APPLICATION FOR EXCHANGE MADE WITH BANCO DE LA NACION ON
OCTOBER 31, 1975 HAS NOT BEEN GRANTED DESPITE REPEATED
INQUIRIES.

2. OPIC REQUESTS EMBASSY'S ASSISTANCE IN OBTAINING COPIES
OF EXCHANGE CONTROL LAWS AND REGULATIONS RELATIVE TO THIS
CLAIM. INVESTOR REFERS TO DECREE LAW 17,710 OF JUNE 18,
1969 AND DECREE LAW 18,275 OF MAY 15, 1970. IS EMBASSY

AWARE OF ANY OTHERS WHICH MAY BE RELEVANT?

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3. INVESTOR REPRESENTED THAT NO CONTROLS EXISTED WHEN

CONTRACT WAS SIGNED IN DECEMBER 1966. IS THIS ACCURATE AND, IF NOT, IS EMBASSY AWARE OF ANY PROBLEMS IN CONVERTIBILITY THAT EXISTED IN DECEMBER 1966 UNDER EXCHANGE

CONTROLS THAT EXISTED AT THAT TIME?

4. IS EMBASSY AWARE OF OTHER INSTANCES OF BLOCKED CURRENCY IN PERU OR REASONS FOR THE PROBLEM IN THIS CASE?

5. INVESTOR'S CLAIM STATES THAT ITS 50 PERCENT INVESTMENT IN THE FOREIGN ENTERPRISE WAS REDUCED TO 35.6 PERCENT BY A MANDATORY ISSUANCE OF SHARES TO THE QUOTE INDUSTRIAL COMMUNITY UNQUOTE REPRESENTING THE WORKERS OF THE FOREIGN ENTERPRISE. IS EMBASSY AWARE OF BACKGROUND TO THIS STATEMENT OR ANY RELATION BETWEEN THE ACTIONS OF PERU IN THIS REGARD AND THE PRESENT CLAIM OF INCONVERTIBILITY?

6. EMBASSY'S ASSISTANCE REQUESTED IN OBTAINING COPIES OF LAWS, REGULATIONS, ETC., PURSUANT TO WHICH SOL WAS DEVALUED FROM 45:1 TO 65:1 LAST JUNE. IF INVESTOR'S CLAIM IS VALID, OPIC MUST TRANSFER ON BASIS OF PRE-DEVALUATION EXCHANGE RATE, VIZ. RATE AS OF MAY 27, 1976 (REFERENCE DATE OF EXCHANGE UNDER OPIC CONTRACT). ACCORDINGLY, IT WOULD BE HELPFUL TO KNOW:

A. WHEN IT WAS COMMONLY KNOWN TO US INVESTORS IN PERU THAT DEVALUATION WOULD TAKE PLACE;

B. WHAT ARE PROSPECTS FOR ANOTHER CHANGE IN FUTURE;

C. WHETHER EMBASSY AWARE OF ANY REASON WHY 45:1 EXCHANGE RATE WOULD NOT BE APPROPRIATE FOR REMITTANCE OF A CORPORATE DIVIDEND AS OF MAY 27, 1976.

7. FOR PURPOSES OF ACCEPTING A DRAFT OF SOLES INVOLVED IN INVESTOR'S CLAIM, OPIC REQUESTS (A) NAME AND TITLE OF EMBASSY OFFICIAL WHO CAN ACT AS OPIC'S REPRESENTATIVE,(B) AN ACCEPTABLE DEPOSITORY IN LIMA ON WHICH DRAFT SHOULD BE DRAWN.

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Message Attributes

Automatic Decaptoning: X
Capture Date: 01 JAN 1994
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Current Classification: UNCLASSIFIED
Concepts: CLAIMS, INVESTMENT GUARANTEES
Control Number: n/a
Copy: SINGLE
Draft Date: 12 AUG 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: powellba
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
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Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Review Content Flags:
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Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

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TAGS: EINV, PE, US, CELANESE CORP
To: LIMA
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